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Agenda item 3

Promotion and protection of all human rights,
civil, political, economic, social and cultural rights,
including the right to development

Written statement* submitted by Equality Now, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in
accordance with Economic and Social Council resolution 1996/31.

[23 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting
non-governmental organization(s).

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Ending sex discrimination in citizenship and nationality laws

Almost 20 years after the adoption of the Beijing Platform for Action, and ten years past the UN's target date for revocation of all sex discriminatory laws, numerous laws that explicitly discriminate against women, including in the area of nationality, are still in force. Over 60 countries around the world have nationality laws which discriminate against women in their ability to acquire, change, retain or confer their nationality to their children and foreign spouses.

This discrimination is causing severe hardship to women, their children and their families. Without citizenship, children and foreign spouses are often subject to a range of restrictions in their job and education possibilities, their ability to travel and their full participation in society generally. They may not be able to open bank accounts or own or inherit property. With respect to children, if they leave their country of birth, they may not be able to return. Discrimination in nationality laws puts a huge strain on family unity, leaving spouses and children feeling particularly vulnerable and, in some cases, increasing the fear of family violence, among other consequences.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to which almost all UN States are party, calls upon States "to grant women equal rights with men to acquire, change or retain their nationality" (Article 9.1) and to "grant women equal rights with men with respect to the nationality of their children" (Article 9.2). We applaud the Human Rights Council for having also reaffirmed in its Resolution 20/4 of July 2012 the right to a nationality as a universal human right and for recognising that women and children without a nationality are particularly vulnerable to abuse and violation of their human rights. We echo its call to Member States to refrain from enacting or maintaining discriminatory nationality legislation.

We call now upon governments with sex discriminatory legal provisions on nationality to revise them as soon as possible so that:

- women and men can equally confer nationality on their children wherever born and whether born in or out of marriage
- women and men can equally acquire, change or retain their nationality including the ability to confer it on their spouses

Member States that have entered reservations to international human rights instruments, such as the CEDAW, with respect to nationality provisions should also remove these without delay.

We congratulate those countries which have already made revisions to their laws to remove the discrimination. We understand other countries are in the process of discussing change, and we encourage swift and comprehensive reform in this area. We also appreciate the interim measures put in place by some governments to alleviate the hardships caused by discrimination in nationality laws. However, these should only ever be a step towards expeditious removal from the law, or amendment of, all provisions which continue to discriminate against women with respect to nationality. We hope that governments which have recently amended their legislation will support action by others.

As members of the Global Campaign to End Gender Discrimination in Nationality Laws, together with our partners from around the world working to address this issue, we look forward to this being part of sustained attention to the issue by the Human Rights Council and its mechanisms until Member States remove all discrimination with respect to nationality.

Women's Refugee Commission NGO(s) without consultative status, also share the views expressed in this statement.